IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 713 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JAGDISHPRASAD GAYAPRASAD GUPTA

Versus

SEMSAN HEMANTBHAI PARMAR

Appearance:

1. Misc.Civil Application No. 713 of 2004

MR RAMNANDAN SINGH for Petitioner No. 1-7

RULE SERVED BY DS for Respondent No. 1,3

BALKRISHNA ACHARYA for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 07/10/2004

ORAL JUDGEMENT

1. By filing this Misc. Civil Application, the

petitioners, who are claimants of M.A.C. Petition No. 1771 of 1992, have prayed that the aforesaid M.A.C. Petition may be transferred from M.A.C. Tribunal, Nadiad to M.A.C. Tribunal, Vadodara.

2. Mr. Ramnandan Singh, learned advocate for the petitioners submitted that there were various M.A.C. Petitions before M.A.C. Tribunal at Nadiad, which arose out of the same accident, and such petitions have been transferred from M.A.C. Tribunal Nadiad to M.A.C. Tribunal, Vadodara, and for this purpose, he has relied on the judgment of this Court [Coram: J.R. Vora, J.] dated 13.01.2003 in Misc. Civil Applications No. 1062/01 to 1067/01. Mr. Ramnandan Singh submitted that by mistake, the claimants could not file application for transfer at that time. Mr. Ramnandan Singh submitted that since all other cognate matters are transferred to Vadodara, in order to see that there is no inconsistency in findings, this M.A.C. Petition may also be transferred to Vadodara.

3. Though served, none appears for the respondent No. 3 Insurance Company. Learned advocate Mr. Balkrishna Acharya appears for respondent No.2 and submits that he has no objection if the matter is transferred from M.A.C. Tribunal, Nadiad to M.A.C. Tribunal, Vadodara.

4. Considering the aforesaid aspects of the matter and considering the judgment of this Court in Misc. Civil Applications No. 1062/01 to 1067/01, M.A.C. Petition No. 1771 of 1992 pending before the M.A.C. Tribunal, Nadiad is ordered to be transferred to M.A.C. Tribunal, Vadodara. M.A.C. Tribunal, Nadiad is directed to transfer all the case papers pertaining to the aforesaid claim petition to M.A.C. Tribunal, Vadodara, and the M.A.C. Tribunal, Vadodara shall register the above said claim petition and shall dispose of the petition according to law.

5. This Misc. Civil Application is accordingly allowed. Rule made absolute. No order as to costs.

6. Writ to be sent forthwith.

mathew [P.B.MAJMUDAR, J.]